

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

CASE NO. CR18-0199-JCC

10 Plaintiff,

ORDER

11 v.

12 JEROME JAY ISHAM,

13 Defendant.
14

15 This matter comes before the Court on Defendant Jerome Jay Isham's motion to review
16 Magistrate Judge James P. Donohue's order denying his emergency motion for furlough (Dkt.
17 No. 30). Having thoroughly considered Defendant's motion and the relevant record, the Court
18 finds oral argument unnecessary and hereby DENIES the motion for the reasons explained
19 herein.

20 Defendant is presently in custody, awaiting trial on charges of attempted possession of a
21 fentanyl analogue with intent to distribute; possession of a fentanyl analogue with intent to
22 distribute; and being a felon in possession of a firearm. (*See* Dkt. No. 21.) On August 16, 2018,
23 Judge Donohue remanded Defendant to custody, finding that he posed a substantial risk to the
24 safety of the community due to his significant prior criminal history, involving drugs and a
25 number of illegal firearm arrests. (*Id.*) Judge Donohue also found that Defendant had significant
26 substance abuse and possible mental health issues. (*Id.*) Trial is scheduled for April 15, 2019.

1 (Dkt. No. 23.)

2 On February 21, 2019, Defendant filed an emergency motion for furlough, requesting
3 that he be released from custody to attend his mother's funeral. (Dkt. No. 26.) Defendant stated
4 that he would be accompanied to the funeral by his fiancée. (*Id.*) The funeral is scheduled for
5 February 28, 2019, and Defendant requested to be released from 9:00 a.m. to 7:00 p.m. (*Id.*) The
6 Government opposed the motion. (*See* Dkt. No. 27.)

7 The Court referred Defendant's motion to Judge Donohue, who denied it on February
8 26, 2019. (Dkt. No. 29.) Citing Defendant's prior criminal history, significant substance abuse
9 issues, and possible mental health issues, Judge Donohue found that Defendant's fiancée would
10 not be an appropriate custodian during the proposed furlough. (*Id.*) Judge Donohue also noted
11 that Defendant's relationship with his now-deceased mother terminated at a young age. (*Id.*) On
12 February 27, 2019, Defendant filed this motion asking the Court to reverse Judge Donohue's
13 order and grant his proposed furlough. (Dkt. No. 30.)

14 Pursuant to 18 U.S.C. § 3145(b), a district court may review a magistrate judge's order of
15 detention. The Ninth Circuit has interpreted the statute to require *de novo* review. *United States*
16 *v. Koenig*, 912 F.2d 1190, 1191–93 (9th Cir. 1990). To determine whether conditions of release
17 will sufficiently assure both court appearance and the public safety, the Court considers the
18 information available regarding the four factors outlined in 18 U.S.C. § 3142(g).

19 Defendant proposes he be picked up and dropped off by his fiancée, Sahar Siddiq, using
20 her personal motor vehicle. (Dkt. No. 30.) The funeral is to be at Vision Church in Everett,
21 Washington, from 10:00 a.m. to 5:30 p.m. (*Id.*) Defendant states that he will "travel directly to
22 Vision Church upon release, and return directly to FDC SeaTac by 7:00 p.m. on February 28."
23 (*Id.*) Defendant provides correspondence from family members confirming the details of his
24 mother's death and funeral arrangements. (*See* Dkt. No. 30-1.)

25 The Court appreciates the many letters of support, and is sympathetic to Defendant for
26 the loss of his mother. However, based on Defendant's criminal history and history of substance

1 abuse, there is not clear and convincing evidence before the Court that Defendant will neither
2 flee nor pose a risk of danger to the community if released. Moreover, the Court finds that
3 Defendant's proposed conditions of release—that he be transported and accompanied by his
4 fiancée—are not sufficient to ensure Defendant will return to custody. For the foregoing reasons,
5 Defendant's motion to reverse Magistrate Judge James P. Donohue's order denying his
6 emergency motion for furlough (Dkt. No. 30) is DENIED.

7 DATED this 28th day of February 2019.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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